

### REMARKS

Claims 1-20 remain before the Examiner for reconsideration.

### DOUBLE PATENTING REJECTIONS

Claims 1-13 and 15-20 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-15 of U.S. Patent No. 6,652,489 to Trocki et al. (hereinafter "Trocki") in view of U.S. Patent No. 5,383,858 to Reilly et al (herinafter "Reilly"). This rejection should be withdrawn in view of the remarks made herein.

Claim 1-13 ("Current Claims" of this Application) were filed herein as a divisional patent application based on the Restriction Requirement in Application 09/777,020. Thus, Current Claims 1-13 include originally filed Claims 1-14. The subject mater from originally filed Claim 1 and Claim 14 of Application '020 are included in Current Claim 1. Accordingly, the double patenting rejection of Current Claims 1-13 should be reconsidered.

Current Claims 15-20 were filed to provide a varied scope of current Claims 1-13 and include that the at least one attachment member is "disposed on and extending from the body" as shown in Fig. 55. The varied scope of the invention is based on the originally filed Claims 1-14 of Application 09/077,020 which were subject to a restriction requirement. Accordingly, Applicants request that the double patenting rejection of Current Claims 15-20 be reconsidered.

### REJECTIONS UNDER 35 USC 102(b)

Claim 14 stands rejected under 35 USC 102(b) as being anticipated by Reilly. This rejection should be withdrawn in view of the remarks made herein.

The Office Action alleges that Reilly discloses a syringe for use with an injector system having a body 32, plunger 43, at least one attachment member 22fr and recess (forward of the attachment member).

It is well settled that in order for a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in prior art. The disclosure requirement under 35 USC 102 presupposes knowledge of one skilled in art of claimed invention, but such presumed knowledge does not grant license to read into prior art reference teachings that are not there. *See Motorola Inc. v. Interdigital Technology Corp.* 43 USPQ2d 1481 (1997 CAFC). It is also well-settled that a 35 USC 102 rejection must rest upon the literal teachings of the reference and that the teachings must disclose every element of the claimed invention in as complete detail as is contained in the claim (See. *Jamesbury Corp v. Litton Industrial Products, Inc.* 225 USPQ, 253, 256 (CAFC 1985); *Kalman v. Kimberly-Clark Corp* 218 USPQ 781, 789 (Fed. Cir. 1983)).

Applicants' invention of Claim 14 is directed to a syringe for use with an injector comprising a syringe retaining mechanism, the syringe comprising, "a body comprising a rearward end and a forward end; a plunger movably disposed within the body; at least one attachment member associated with the body; and at least one rotation member comprising a recess formed in the body for releasably engaging a corresponding member of the syringe retaining mechanism of the injector."

Reilly discloses a syringe 22 that has:

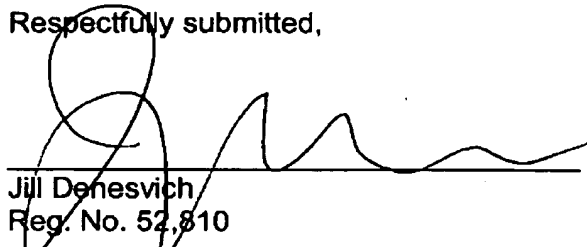
upper and lower retaining flanges, having reinforcing ribs 22fr that may pass as the rearward end of the syringe is inserted in the opening. The mounting assembly 23 further includes opposed retaining flanges 23f on opposite sides thereof so that, after the rearward end of the syringe 22 has been inserted into the opening 29, and the syringe is rotated clockwise, as viewed in FIG. 1, the retaining flanges 22f on the syringe become engaged behind the retaining flanges 23f to secure the syringe to the housing front wall 24. During this mounting of the syringe 22 on the housing front wall 24, the rotation of the syringe preferably is limited by suitable rearwardly projecting stops 30 at adjacent ends of the housing front wall retaining flanges 23f. The mounting assembly 23 also includes an inner annular ring 31 in spaced relationship to the retaining flanges 23f, to provide support for the rearward end of the syringe 22 and also define semi-annular guide slots 23s (best shown in FIG. 2) for receiving the syringe flanges 22f. (*emphasis added*, Col. 4, lines 23-42).

Thus, Riley discloses a syringe with reinforcing ribs 22fr that merely become engaged behind the retaining flanges 23f when the syringe is rotated. Thus, Reilly does not disclose any rotation member. Further, Reilly does not disclose at least one rotation member comprising "a recess formed in the body for releasably engaging a corresponding member of the syringe retaining mechanism of the injector." Reilly therefore does not disclose every element of the claimed invention in as complete detail as is contained in the claim. Reconsideration of the Examiner's rejection is requested.

In view of the above remarks, the Applicants respectfully request that the Examiner withdraw the rejections of the claims, indicate the allowability of the claims and arrange for an official Notice of Allowance to be issued in due course.

Respectfully submitted,

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I hereby certify that this correspondence is being faxed to 571-273-8300 to the Commissioner for Patents, Mail Stop: Amendment, P.O. Box 1450, Alexandria, VA 22316-1450 on January 10, 2007.



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